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**Z-2459**  
**MILICA FRANK**  
**R1B to GB**

**STAFF REPORT**  
**July 14, 2011**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who is also the owner, is requesting rezoning of 0.75 acres of a triangular-shaped piece of land located between SR 25 and Washington Street in the northern part of West Point. The property is located at 4904 Washington Street in the unincorporated town of West Point, Wayne 13 (SE) 22-6. Petitioner has plans to turn the former church located onsite, into an antique store.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This property was originally zoned R1. It was reclassified to R1B when the County Commissioners amended the West Point Zoning Map as part of the overall rezoning of Wayne Township in 1986 (Z-1253). Lots to the east and south are also zoned R1B. The lot to the west, across SR 25 is zoned A, Agricultural.

There have only been two rezones approved in all of Wayne Township since the adoption of the new zoning ordinance in 1998. The first was an expansion of the GB property on the southwest corner of Washington and Jefferson Streets in West Point, (Cheesman, Z-1944). The second approved rezone was a two acre request from AW to A for mini warehouse storage just east of the platted lots of West Point (Z-2009).

**AREA LAND USE PATTERNS:**

The former church building is surrounded by single-family homes to the south and east. West across SR 25 is a farm field; to the northeast is a public park.

**TRAFFIC AND TRANSPORTATION:**

Access to this site is currently gained from Washington Street; there is no access to SR 25 where there is a small elevation change to the roadbed. County Highway must approve a driveway permit for a change of use. Change of use and rezone of the site would require the paving of the required parking spaces. Parking for this use is 1 space per 400 sq. feet of gross floor area. The area of the building is 3720 sq. feet so 10 paved parking spaces are required for the proposed use.

According to the *Thoroughfare Plan* both SR 25 and Washington Street, (CR 700W) are rural secondary arterials and require a 40' setback for zones GB, R1B, and NB. Any new building construction would need to meet these setbacks.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The Tippecanoe County Health Department has no record of the original septic system serving the existing structure or any repair/replacement of the onsite sewage disposal system on file. No information about the well is on file with the office and they have received no complaints about the septic system or water supply. The Health Department feels that the use of the septic system for an antique store would not be significantly different from that of a church and would not trigger the need to install a commercial septic. Any use that locates at this site will need to get Health Department approval before occupying the building.

**STAFF COMMENTS:**

The petitioner has indicated that she would like to use the former church as an antique store. Antique stores are classified as SIC 593, used merchandise stores; that use is only permitted in NB, NBU GB, CB, and CBW zones. Of those five zones the least intrusive to existing residents would be the NB zone.

The Land Use Element of the *Comprehensive Plan* for Tippecanoe County shows a residential future for this land. Additionally, the *Plan* guides commercial rezones to be only in areas where sanitary sewer and water are available. However, the Plan does not take into account that this site is already developed and staff feels that this unique situation is worthy of additional consideration. The smaller unincorporated towns, although they are without sanitary sewer or water, also need small pockets of commercial zoning.

Because of the large setbacks associated with the adjacent roads, staff feels the site would best be served by an adaptive reuse of the existing building and septic as well. For a property of this small size with an expanse of gravel onsite, very little room appears to be available for a commercial septic system. This could serve to limit some of the more intense, not-friendly-to-neighboring-residences business uses permitted in the commercial zones. Staff cannot support the request to rezone to GB but would be in favor of a rezone to NB because it would permit the proposed use and would better protect the adjacent land uses.

**STAFF RECOMMENDATION:**

Denial